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Attorney for the Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

Kevin J. Dinsmore and Treena K. Dinsmore,  
aka, Treena K. Edwards,

Case No. 11-60182-AA

Plaintiffs,

v.

Reliable Credit Association, Inc. and  
John Doe,

COMPLAINT FOR VIOLATIONS OF  
FAIR DEBT COLLECTION PRACTICES  
ACT, UNLAWFUL DEBT COLLECTION  
PRACTICES ACT, AND FALSE  
IMPRISONMENT

Defendants.

JURY REQUESTED

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JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices

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Act, 15 U.S.C. § 1692 et seq. (“FDCPA”) and the Unlawful Debt Collection Practices Act, ORS 646.639 (“UDCPA”).

3. Jurisdiction of this Court also arises under 28 U.S.C. § 1337 for Claim II and Claim III as the claims are so related to Claim I that they form part of the same case or controversy.

4. Venue is proper in this district because the acts and transactions occurred here, Plaintiffs reside here.

#### PARTIES

5. Plaintiffs, Kevin J. Dinsmore and Treena K. Dinsmore, aka Treena K. Edwards, (hereinafter “Plaintiffs”), are a natural persons who resides in the City of Albany, State of Oregon, and are a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant, Reliable Credit Association, Inc., (hereinafter “Defendant Reliable”), is licensed to conduct business in the State of Oregon and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

7. Defendant, John Doe, (hereinafter “Defendant Doe”), is a repossession company hired by Defendant Reliable. Defendant Doe is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

#### FACTUAL ALLEGATIONS

8. On or about August 22, 2009, Plaintiffs and Defendant Reliable entered into an agreement to purchase a vehicle, (hereinafter “Vehicle”), financed, (hereinafter “Loan”), through Defendant Reliable.

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9. During the period of the contract with Defendant Reliable, Plaintiffs were charged with additional vehicle insurance on three different occasions even though Plaintiffs' insurance company provided coverage continuously throughout the contract of the Loan.

10. Plaintiffs have been late or partial payments made on some of their Loan payments. Defendant Reliable accepted these late or partial payments on the Vehicle Loan and continued to counsel Plaintiffs to make any payment they could on the Loan.

11. On or about July 7, 2010, Defendant Reliable hired Defendant Doe to repossess the Vehicle from Plaintiffs.

12. While Defendant Doe was attempting to repossess the Vehicle from Plaintiffs at their residence, Plaintiffs' minor daughter arrived home and Defendant Doe refused to let minor daughter enter into the home unless Plaintiffs' released the Vehicle to Defendant Doe.

13. Plaintiffs' attorney at the time of this incident was on the phone with Plaintiffs and heard the entire situation over the phone. Plaintiffs' attorney advised Plaintiffs to call a law enforcement officer to manage the scene. Plaintiffs called law enforcement. When the police arrived, Defendant Doe allowed the Plaintiffs' minor daughter to enter the Plaintiffs' residence.

#### TRIAL BY JURY

14. Plaintiffs are entitled to and hereby respectfully demands a trial by jury. U.S. Const. Amend. 7. Fed. R. Civ. Pro. 38.

#### CAUSES OF ACTION

#### COUNT I.

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VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

15. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

16. The foregoing acts and omissions of both Defendants constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692d(1), 1692e(2), 1692e(4), 1692e(5), 1692e(10), 1692f and 1692f(6).

17. As a result of both Defendants' violations of the FDCPA, Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II.

UNLAWFUL DEBT COLLECTION PRACTICES ACT

ORS 646.639 *et seq.*

18. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. Each of the Defendants engaged in unfair and deceptive business practices, which constitutes a violation of UDCPA under ORS 646.639, 646.639(2)a, 646.639(2)c, 646.639(2)d and 646.639(2)e.

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COUNT III.

TORT OF FALSE IMPRISONMENT

20. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

21. Both Defendants committed the intentional tort of false imprisonment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

For an award of actual damages, pursuant to 15 U.S.C. § 1692k(a)(1) against both Defendants;

For an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A) against both Defendants;

For an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) against both Defendants.

COUNT II.

UNLAWFUL DEBT COLLECTION PRACTICES ACT

ORS 646.639 *et seq.*

For an order enjoining both Defendants from further violations of the Unlawful Debt

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Collection Practices Act;

For an award of actual damages, pursuant to ORS 646.641(1), against both Defendants;

For an award of costs of litigation and reasonable attorney's fee, pursuant to ORS 646.641, against both Defendants;

For an award of punitive damages, pursuant to ORS 646.641(1), against both Defendants;

COUNT III

TORT OF FALSE IMPRISONMENT

For an award of actual damages against both Defendants;

For an award of punitive damages against both Defendants;

DATED this 26<sup>th</sup> day of May, 2011.



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